

Massena, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MASSENA MEMORIAL HOSPITAL
Employer

and

Case 3-WH-1

CIVIL SERVICE EMPLOYEES
ASSOCIATION, AFSCME
LOCAL 1000, AFL-CIO
Petitioner

CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938

On October 29, 2008, Civil Service Employees Association, AFSCME, Local 1000, AFL-CIO, filed with the Regional Director for Region 3 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 207(b).

On October 30, 2008, the Regional Director for Region 3 served on the parties an Order to Show Cause why the Board should not grant the request. No response was filed. Accordingly, on November 17, 2008, the Regional Director recommended to the Board that the requested certification be issued.

No party having shown cause why the requested certification should not be issued,¹ the National Labor Relations Board

1 The record indicates that the Employer and the Petitioner have entered into a collective-bargaining agreement that is effective January 1, 2006 through December 31, 2010.

certifies that Civil Service Employees Association, AFSCME Local 1000, AFL-CIO is a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees of the Massena Memorial Hospital in the following unit:²

All employees of the Massena Memorial Hospital except the Administrator of the Hospital, Treasurer, Director of Environmental Services, Purchasing Agent, Environmental Service Supervisor, Director of Nurses, Pharmacists, Medical Record Administrator, Staff Development Director, Director of Patient and Family Services, Patient and Family Service Assistant, Medical Records Supervisor, Secretary to the Quality Assurance Director, Data Processing Manager, Director of Medical Affairs, Secretary to the Director of Medical Affairs, Business Office Manager, Nutrition Service Director, Food Service Supervisor, Secretary to the Administrator, Assistant Administrator, Secretary to the Assistant Administrator, Personnel Clerk, Human Resources Director, Chief X-Ray Technologist, Laboratory Supervisor, Chief Physical Therapist, Chief Respiratory Therapist, Quality Assurance Director, Resource Coordinator, all Registered Nurses and other persons now represented by the New York State Nurses Association and in addition thereto excluding all personnel in the business office and Data Processing Department handling payroll and confidential matters.

Dated, Washington, D.C., December 12, 2008.

By direction of the Board:

Lester A. Heltzer

Executive Secretary

² A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).